

REMARKS

Claims 8-17 and 19-22 are all the claims pending in the application. Claims 8, 10, 15, 16, 21 and 23 are amended. Claim 11 is allowable. Claims 17, 19, 20 and 22 are cancelled.

Claims 10 and 19

As a preliminary matter, Applicants note that in the Office Action dated August 5, 2008, the Examiner did not state a rejection of either of claims 10 or 19. Nonetheless, as demonstrated subsequently, claim 10 would be patentable for the reasons given for claim 8. As to claim 19, any rejection of the claim is moot in view of the cancellation of the claim.

Claims 15 and 16

Independent claims 15 and 16 have been amended to incorporate the limitations from claims 20 and 22, which have been cancelled. Claims 21 and 23 have been amended to depend from claims 15 and 16, respectively. The accompanying Declaration Under 37 C.F.R. § 1.132 of Klaus Lenhart demonstrates in detail the clear support for the added limitations.

Claims 8 and 10

Claims 8 and 10 have been amended to specify that the radially spreadable element is “contactable with each limit stop,” as supported by the illustrations in Figs. 1 and 2 and the accompanying original text. The accompanying Declaration Under 37 C.F.R. § 1.132 of Klaus Lenhart demonstrates in detail the clear support for the added limitation.

Interview

Applicant is grateful for the courtesy, time and effort of the Examiner in connection with this application and the conduct of an interview with inventor Lenhart, his colleagues and the undersigned. Applicant respectfully submits that (1) the claims as now submitted are fully supported by the original disclosure (2) the claims as now submitted clearly define over the prior art, and (3) the prior art is both incompatible and inoperable in the manner suggested by the Examiner.

Claim Rejections - 35 USC § 103

Claims 8, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lenhart (DE-29,706,849) in view of Neuheiten (CH-267,177). This rejection is traversed for at least the following reasons.

References are Incompatible and Inoperable as Combined

As asserted in the Submission under 37 C.F.R. § 1.114(c), and as demonstrated in the accompanying Declaration under Rule 132, Lenhart's Fig. 1 is inoperable and Lenhart's Fig. 5, as modified on the basis of teachings in Neuheiten, would be inoperable or ineffective.

References do Not Teach Amended Claims

Applicants have further defined the invention of claim 8 as having a radially spreadable element that is contactable with the oppositely disposed limit stops. This feature is not present or possible with the individual or combined designs of Lenhart or Neuheiten.

Amended Claim is Clearly Supported

As stated above and as demonstrated by the accompanying Declaration under Rule 132, the claimed "adjustable-length pole" is clearly supported by the original application, including illustration in the Figures 1-3. In particular, the device as illustrated in Fig. 1, which is a cross section taken through the slots 43, 44 in Fig. 3 and shows the presence of the fins 41 in the slots, has the pot base 36 of spreadable element 16 in contact with the outer stop 26 and has the shoulder 38 of spreadable element 16 contactable with the inner stop 28 upon application of an axial force.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lenhart, DE-29,706,849, in view of Neuheiten, CH-267,177, and further in view of DSI, DE 8,004,343U1. This rejection is moot in view of the cancellation of the claim.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lenhart (DE-29,706,849) in view of Neuheiten (CH-267,177), and further in view of Kupski, (3,145,669). This rejection is traversed for at least the following reasons.

Claim 15 is patentable for the reasons previously given and has been further amended to incorporate the limitations of claim 20, which specifies that the "axial slots have an axial length which is larger than the axial length of said fins," as is clear from at least Figure 2.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lenhart, (DE-29,706,849), in view of Neuheiten (CH-267,177), and further in view of DSI (DE

8,004,343U1), and Kupsi (3,145,669). This rejection is traversed for at least the following reasons.

Claim 16 is patentable for the reasons previously given and has been further amended to incorporate the limitations of claim 22, which specifies that the “axial slots have an axial length which is larger than the axial length of said fins,” as is clear from at least Figure 2.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lenhart, (DE-29,706,849), in view of Neuheiten (CH-267,177), and further in view of Mazzolla, (4,238,164). This rejection is traversed for at least the following reasons.

Claim 16 is patentable for the reasons previously given and has been further amended to incorporate the limitations of claim 22, which specifies that the “axial slots have an axial length which is larger than the axial length of said fins,” as is clear from Figure 2.

Conclusion

Applicants have demonstrated that all of the pending claims are fully supported by the original disclosure and are patentable over the prior art. If there are any remaining issues that remain to be resolved before allowance, the Examiner is requested to contact the undersigned so that they may be discussed and resolved promptly so that existing unauthorized copying of Applicant's designs can be addressed immediately.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Alan J. Kasper/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Alan J. Kasper
Registration No. 25,426

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